



# San Diego City Attorney **MICHAEL J. AGUIRRE**

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## **MEDIA ADVISORY**

**FOR IMMEDIATE RELEASE: \*June 6, 2006**

**Contact: Maria Velasquez, Communications Director: (619) 235-5725** (pager & voicemail)  
mvelasquez@sandiego.gov

### **TENTATIVE RULING THROWS OUT MAJORITY OF DEVELOPER ROQUE DE LA FUENTE'S MULTI-MILLION DOLLAR JUDGMENT AGAINST THE CITY OF SAN DIEGO**

**DATE AND TIME: Today at 5:30 p.m.**

**LOCATION: Community Concourse Golden Hall  
Downtown San Diego**

City Attorney Michael Aguirre and Mayor Jerry Sanders will hold a joint news conference to announce a tentative ruling by the California Fourth Court of Appeals that may further reduce the \$94.5 million verdict against the City by developer Roque De La Fuente, *Border Business Park v. City of San Diego*. If the tentative ruling stands, taxpayers could save over \$150 million. In addition a new trial will be held on the alleged breach of agreement claim (\$29.2 million) against the City.

The tentative ruling eliminates the multi-million jury verdict of January 1, 2001, against the City for allegedly breaching development agreements with Border Business Park and for taking property without compensation:

Airport Planning Claim -\$25.5 million  
Truck Traffic Claim - \$39.8 million  
Developer Agreement Claim – \$29.2 million

The case was appealed by the City's outside counsels Horvitz & Levy and Latham & Watkins. Oral arguments on the tentative decision will be before the Court in Riverside County within 30-60 days and a final decision is expected shortly thereafter. The City Attorney's Office with Latham & Watkins will prepare for oral argument and will begin assembling its new trial team for the single remaining issue alleging breach of contract.

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